

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2012-0064  
Villeda Family

**P.C. DATE:** September 25, 2012

**ADDRESS:** 10652 Dessau Road

**AREA:** 1.291 acres

**OWNER/AGENT:** Roberto Villeda (Alai Villeda)

**FROM:** Single family residence (Standard lot) – Neighborhood plan (SF-2-NP)

**TO:** Multifamily residence (Low density) – Neighborhood plan (MF-2-NP)

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD PLAN AREA:** Heritage Hills/Windsor Hills

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium residence- neighborhood plan (SF-6-NP) combining district zoning.

**PLANNING COMMISSION RECOMMENDATION:**

September 25, 2012: *TO GRANT SF-6-NP AS RECOMMENDED BY STAFF. MOTION BY CHIMENTI, 2<sup>ND</sup> BY STEVENS. (8-0).*

**DEPARTMENT COMMENTS:**

The subject property is located approximately 250 feet south of the intersection of Collingwood West Drive and Dessau Road. The property is currently zoned SF-2-NP, and is part of the Heritage Hills/Windsor Hills Neighborhood Planning Area. The subject property is undeveloped. Immediately to the north are residential properties zoned SF-2-NP. These properties face Collinwood West Drive. Further north, facing Dessau Road, is a medical facility and a church. To the east of the subject property is Dessau Road, which is six lanes wide and divided. There is a median break at Collinwood West Drive, approximately 250 feet to the north, and at Applegate Drive, approximately 1,100 feet to the south. Across Dessau Road is a large area of land zoned SF-2 that is mostly vacant, with two residences. Southeast across Dessau is a similar tract zoned MF-3-CO, and an undeveloped tract zoned SF-6-CO. South of the subject property is an undeveloped property that is zoned SF-6-CO-NP. To the west, is a residential neighborhood, with most lots zoned SF-2-NP. There are also parcels zoned PUD-NP, and MF-3-NP (Exhibits A & B – Zoning Map & Aerial Map).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2-NP	Undeveloped
<i>North</i>	SF-2-NP, GO-NP, LO-CO-NP	Residences, Medical facility, Religious assembly
<i>South</i>	SF-6-CO-NP, SF-2-NP	Undeveloped, Residences
<i>East</i>	SF-2, SF-1, MF-3-CO, SF-6-CO	Vacant, Residences, Undeveloped
<i>West</i>	SF-3-NP, MF-3-NP, PUD-NP	Residences, Retirement housing

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Dessau Road	120'	varies	Arterial	Yes	Yes	Yes

**CASE HISTORIES:**

ZONING CASE/ ORDINANCE	REQUESTED FROM-TO	ZONING GRANTED	CONDITIONS
C14-03-0105.SH	SF-2 to SF-6	SF-6-CO	Max. 30 dwelling units; 4.09 units/acre; day care services use (commercial) limited to daytime care for no more than 100 persons.
C14-01-0128.SH	SF-2 to LO-MU	None	Application expired prior to 3 <sup>rd</sup> reading at City Council.

**RELATED CASES:** A site plan for an affordable housing development was submitted for City review on the property immediately south of the subject tract, under File # SP-05-1343C.SH. The site plan application expired prior to approval.

A Neighborhood Plan Amendment is being processed concurrently with this zoning request (File # NPA-2012-0023.01). Staff recommends High density residential for the subject property, which coincides with the SF-6-NP recommendation.

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council  
 Collinwood West Homeowners Association  
 Collinwood West PUD Homeowners Association Inc.  
 Heritage Hills/Windsor Hills Combined Neighborhood Contact Team  
 North Growth Corridor Alliance  
 Harris Branch Master Association, Inc.

**SCHOOLS:**

Graham Elementary School                      Dobie Middle School                      Reagan High School

**CITY COUNCIL DATE:** October 18, 2012

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
 e-mail: heather.chaffin@austintexas.gov

**PHONE:** 974-2122

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. The SF-6 district designation is for a moderate density single family, duplex, two-family, townhouse, and condominium use on parcels that are encumbered with physical constraints that may make more traditional residential layouts difficult. With topographic, vegetative, and lot configuration issues, it may be difficult to design a project that complies with setback and area requirements of more restrictive zoning districts. The subject tract faces several of those issues. Also, SF-6 district may be used as a transition between single family and multifamily or other more intense land uses. At this location, the subject property is between a mostly single family neighborhood and Dessau Road. SF-6-CO-NP zoning has been approved on the tract immediately south of the subject tract.

Staff does not support the proposed multifamily residence low density- neighborhood plan (MF-2-NP) combining district zoning for the 1.291 acre tract. The proposed 19 multifamily units would be too intense for this small site, and very little multifamily zoning has been permitted in the area.

Due to the proximity of single family zoned and used land to the north and west, the subject property will be required to comply with compatibility standards when designing site features, regardless if SF-6-NP or MF-2-NP zoning is granted. Some of the compatibility requirements include a 25-foot setback from the north and west property lines for all buildings and parking; vegetative or privacy fence screening, building height limits and more. If the property remains SF-2-NP, compatibility requirements do not apply to any development.

To the east of the subject property is Dessau Road, which is six lanes wide and divided. There is a median break at Collinwood West Drive, approximately 250 feet to the north, and at Applegate Drive, approximately 1,100 feet to the south. The median would allow only right-in, right-out vehicular movements for any proposed driveways.

The Heritage Hills/Windsor Hills Neighborhood Plan Contact Team provided a letter supporting the MF-2-NP zoning request, dated April 12, 2012. City staff has received additional correspondence expressing concerns about the zoning request. (Exhibit C- Correspondence).

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

SF-6-NP zoning will allow development of the subject property appropriately for the topographic and configuration issues of the site. The 25-foot compatibility setbacks, height limits, and screening requirements will promote compatibility, and the proposed development will become a buffer between the residential neighborhood and Dessau Road.

*2. Zoning should allow for reasonable use of the property.*

SF-2-NP is no longer a viable zoning classification for the subject property. The lot fronts Dessau Road, a six lane arterial, which is very different from the original character of the road and area. Typical SF-2 development would not be suitable directly facing Dessau Road.

*3. Granting of the request should result in an equal treatment of properties.*

The property immediately to the south was granted SF-6-CO-NP in 2003.

### **Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<u>Development Classification</u>	<u>% of Net Site Area</u>
Single-Family (minimum lot size 5750 sq. ft.)	50%
Other Single-Family or Duplex	55%
Multifamily	60%
Commercial	80%

2. According to floodplain maps there is no floodplain within or adjacent to the project boundary.

3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

4. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

☐ Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Site Plan**

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Any multi-family project with 10 or more units must comply with open space standards of Subchapter E, section 2.7 and devote 5% gross site area to open space/pedestrian amenities.

SP 3. This multi-family development must comply with lighting & screening requirements of Subchapter E.

SP 4. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 5. Compatibility Standards

The site is subject to compatibility standards. Along the North and West property lines, the following standards apply:

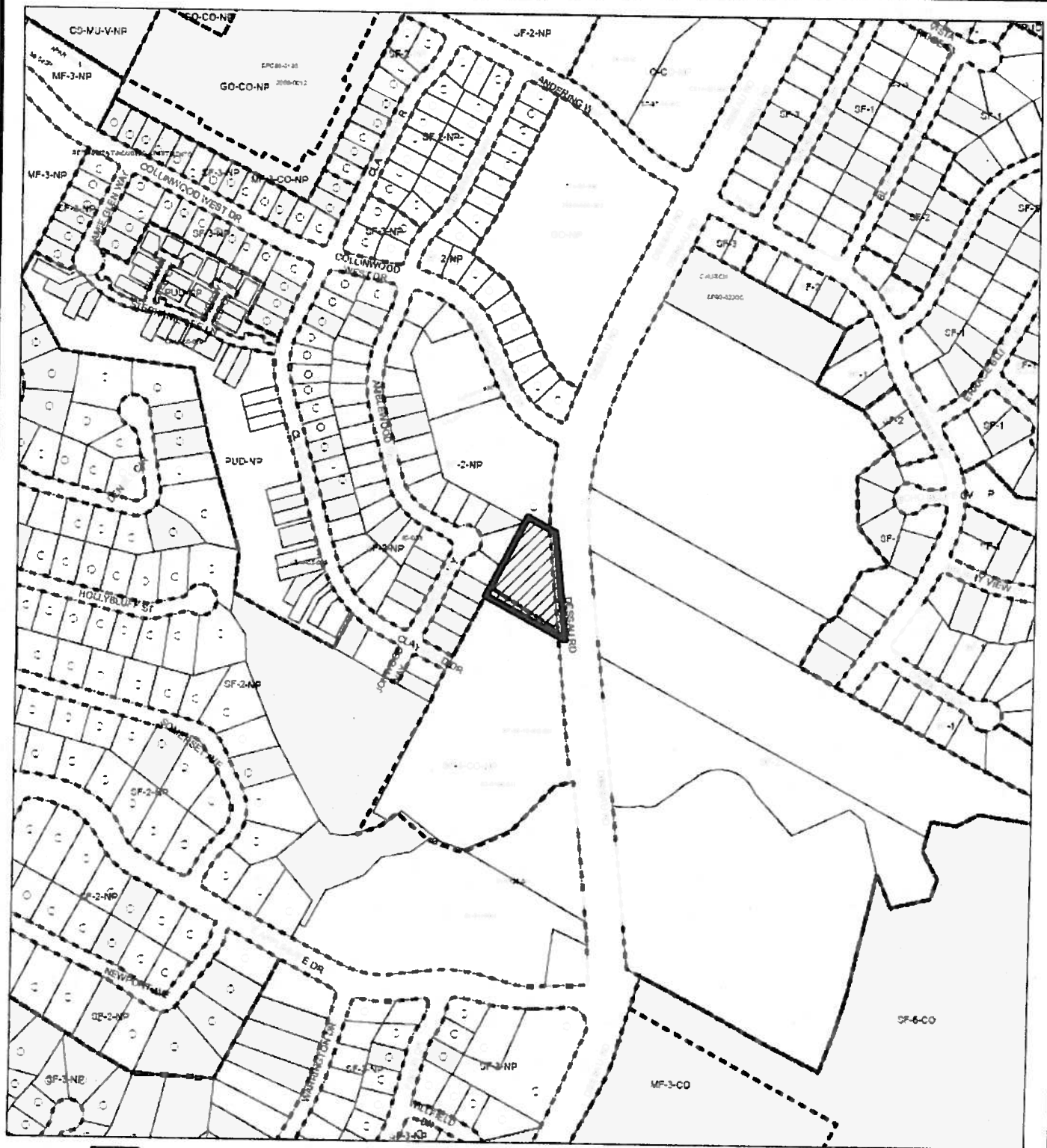
- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- f. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- g. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- h. Additional design regulations will be enforced at the time a site plan is submitted.

### **Transportation**




TR1. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

### **Water / Wastewater**

The site is currently served by City of Austin water and wastewater utilities. If redeveloped the landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### ZONING

ZONING CASE#: C14-2012-0064

This product is for informational purposes and may not have been prepared for or is suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of providing information to the City of Austin regarding specific accuracy or completeness.





# EXHIBIT C CORRESPONDENCE

Heritage Hills/Windsor Hills Neighborhood Plan Contact Team  
Austin, Texas 78753

April 14, 2012

City of Austin,

This is a letter of approval concerning the acre property located on Dessau Road, TX. Heritage Hills/Windsor Hills Neighborhood Plan Contact Team approves and supports the zoning change from Single Family 2 to Multiple Family 2 at the acre property located on Dessau Road, owned by Roberto Villeda.

Due to the nature of the City of Austin's zoning change deadlines and the time schedule of this request, we agree for this request to be submitted out of cycle. If you have any questions and/or concerns please feel free to contact us.

Thank you,



Linda Krieger  
HHWH Contact Team Secretary



Roberto Villeda

## Chaffin, Heather

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**From:** Andie O'Brien <[REDACTED]>  
**Sent:** Wednesday, September 19, 2012 11:44 AM  
**To:** Chaffin, Heather  
**Subject:** C14-2012-0064

Ms. Chaffin,

I live in the Collinwood neighborhood and would like to file an objection to the proposed zoning change for 10652 Dessau Road.

Putting in a multi-family residence in this location would be hazardous for the families living there as well as southbound commuters on Dessau. This piece of property is situated in a blind-spot just below the crest of a hill. It is already challenging for all drivers when people try to enter/exit Collinwood West Dr via Dessau due to this same hill. Any entry for the proposed property would be further down the hill making visibility for all drivers very limited and therefore incredibly hazardous. My understanding is that this property was reviewed for us before and not used for similar reasons.

I am also concerned about increases in vermin population for those of use that live on Jonwood Way up through the intersection of Jonwood Way and Ambleswood Way. Our neighbors to the west who back up to the Seniors retirement community have been fighting with them for years due to the rats that infest their trash bins. I am also concerned that the increase in road noise permeation from Dessau would have additional negative effects on the desirability (limited as it is) of our neighborhood. Given the dramatic lowering of property values in this neighborhood in the past few years, it would be devastating to most of us to have our home values fall even farther.

I hope that the city will take into consideration these issues, especially the traffic safety impact on Dessau when reviewing this zoning change request. I truly believe that allowing construction on this property would have far greater negative consequences than positive ones.

Thank you,  
Jeanne (Andie) O'Brien

Andie O'Brien  
[REDACTED]

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0064

Contact: Heather Chaffin, 512-974-2122

Public Hearing: September 25, 2012, Planning Commission

October 18, 2012, City Council

Bernard Chapa  
Your Name (please print)

10701 Claywood Dr.  
Your address(es) affected by this application

B. Chapa  
Signature

Sep 16/12  
Date

Daytime Telephone: 512-636-4025

Comments: I object of the development of this project!

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Heather Chaffin,  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2012-0064

Contact: Heather Chaffin, 512-974-2122

Public Hearing: September 25, 2012, Planning Commission  
October 18, 2012, City Council

Your Name (please print)

Heather Kinneman

Your address(es) affected by this application

10607 Jonwood Way  
Austin, TX 78745

☐ I am in favor  
☒ I object

Signature

Date

Daytime Telephone:

512-789-3460

Comments:

This is too close to Walnut Creek  
(environmental negative). Our College Creek  
subdivision is already surrounded by  
Senior Care (x2) Commercial business,  
& several retail centers.  
Use Do not need more S-2 units  
or any. No further develop our  
properties.  
Thank you

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0064

Contact: Heather Chaffin, 512-974-2122

Public Hearing: September 25, 2012, Planning Commission

October 18, 2012, City Council

TERESA TAYLOR

Your Name (please print)

10605 JONWOOD WAY AUSTIN, TX

Your address(es) affected by this application

*[Signature]*

Signature

9/26/12

Date

Daytime Telephone: 512-719-5598

Comments:

1 OBJECT TO APARTMENT COMPLEXES BEING BUILT HERE. OUR FAMILY-ORIENTED NEIGHBORHOOD. WE HAVE TOO MANY ADVERSE DEVELOPMENTS TO OUR NEIGHBORHOOD ALREADY: COMMERCIAL BUSINESSES, RETIREMENT HOMES (APTS), AND SENIOR REHABILITATION CENTERS. THIS DEVELOPMENT DOES NOT HELP OUR NEIGHBORHOOD & WANTS PROPERLY

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

VALUES

Thank You.